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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,877	01/16/2004	John Boyland	0403-4107	8433
27123	7590	03/02/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			SHARP, JEFFREY ANDREW	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/759,877	Applicant(s) BOYLAND ET AL.	
	Examiner Jeffrey Sharp	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,8,10,11 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,9,12-15,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

[1] This action is responsive to Applicant's remarks/amendment filed on 12 December 2005 with regard to the Official Office action mailed on 12 September 2005.

Status of Claims

[2] Claims 1-21 are pending. Claims 5, 6, 8, 10, 11, and 16-19 are withdrawn from consideration.

Claim Objections

[3] Claims 13 and 15 were previously objected to because of informalities. Applicant has successfully addressed these issues in the amendment filed on 12 December 2005. Accordingly, the objection to claims 13 and 15 has been withdrawn.

Response to Arguments/Remarks

[4] Claims 1-4 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Grube US-3,704,507.

Claims 1-4, 7, 9, and 12 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Reeves US-5,368,426.

Claims 1-4, 7, 9, and 12 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Winton, III US-5,489,175.

Claims 1-4, 7, 9, and 12 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Williams US-5,674,023.

Claims 1-4, 7, 9, and 12 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Marshall US-3,425,725.

Claims 1-4, 7, 9, and 12 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Permoda US-4,601,621.

Claims 13-15 were previously rejected under 35 U.S.C. 103(a) as being obvious over Permoda US-4,601,621.

Claims 13-15 were previously rejected under 35 U.S.C. 103(a) as being obvious over Reeves US-5,368,426.

Claims 13-15 were previously rejected under 35 U.S.C. 103(a) as being obvious over Winton, III US-5,489,175.

Claims 13-15 were previously rejected under 35 U.S.C. 103(a) as being obvious over Williams US-5,674,023.

Claims 13-15 were previously rejected under 35 U.S.C. 103(a) as being obvious over Marshall US-3,425,725.

Applicant's arguments/remarks with regard to these rejections have been fully considered, but are moot in view of the new grounds of rejection necessitated by amendment.

[5] Claims 1-4, 7, 9, and 12 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Palumbo US-3,970,399, and claims 13-15 were previously rejected under 35 U.S.C. 103(a) as being obvious over Palumbo US-3,970,399.

Applicant's arguments/remarks with regard to this reference have been fully considered, but are not persuasive for the reasons set forth in the below new grounds of rejection.

New Grounds of Rejection

Claim Rejections - 35 USC § 112

[6] The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[7] Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because there is insufficient antecedent basis for the limitation: "*the outer circumference of the housing cover*", therefore creating a structural gap between the elements.

Claim Rejections - 35 USC § 102

[8] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[9] Claims 1-4, 7, 9, 12, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Grieser et al. US-5,641,240.

In short, Grieser et al. teach a Z-type fastener with a Z-shaped profile, used in a housing (94)/cover (92) assembly, said Z-type fastener having:

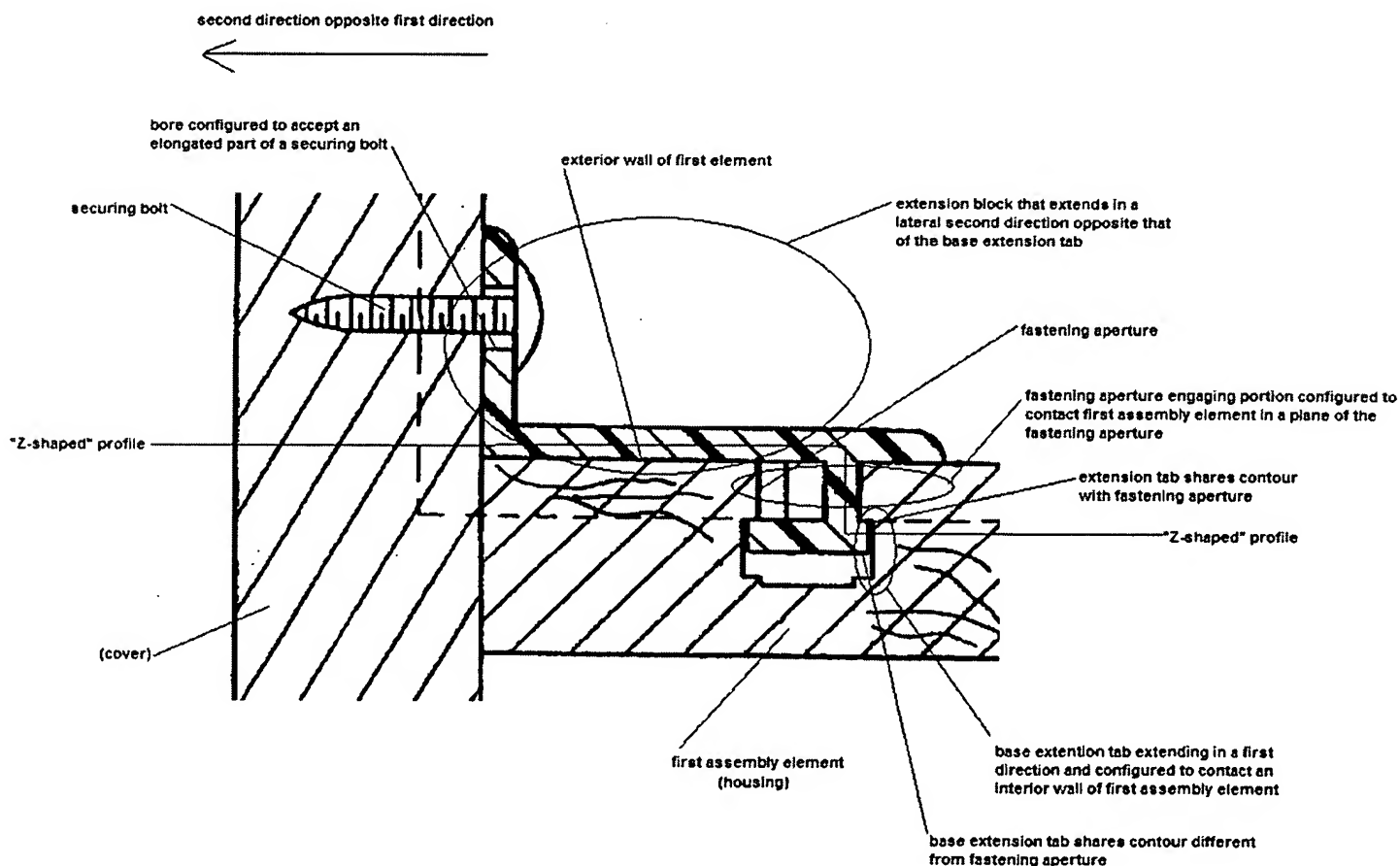
a base extension tab (76) being provided with a surface (72) configured to contact an interior wall of a fastening aperture (98) within said housing,

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a fastening aperture engaging portion (64,80) (e.g., pressure application edge),
 an extension block/body (12,18,20,30) being provided with a surface (30) configured to contact an exterior wall of said housing;

wherein the extension block of the Z-type fastener has a bore (14) configured to accept an elongated part of a securing bolt/body (100), and

wherein the extension block extends in a lateral direction opposite that of the base extension tab.



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[10] Claims 1-4, 12, 13, 14 (as it is understood), 15, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Palumbo US-3,970,399.

In short, Palumbo teaches a Z-type fastener (10) with a Z-shaped profile, used in a housing (13)/cover (12) assembly (11), said Z-type fastener having:

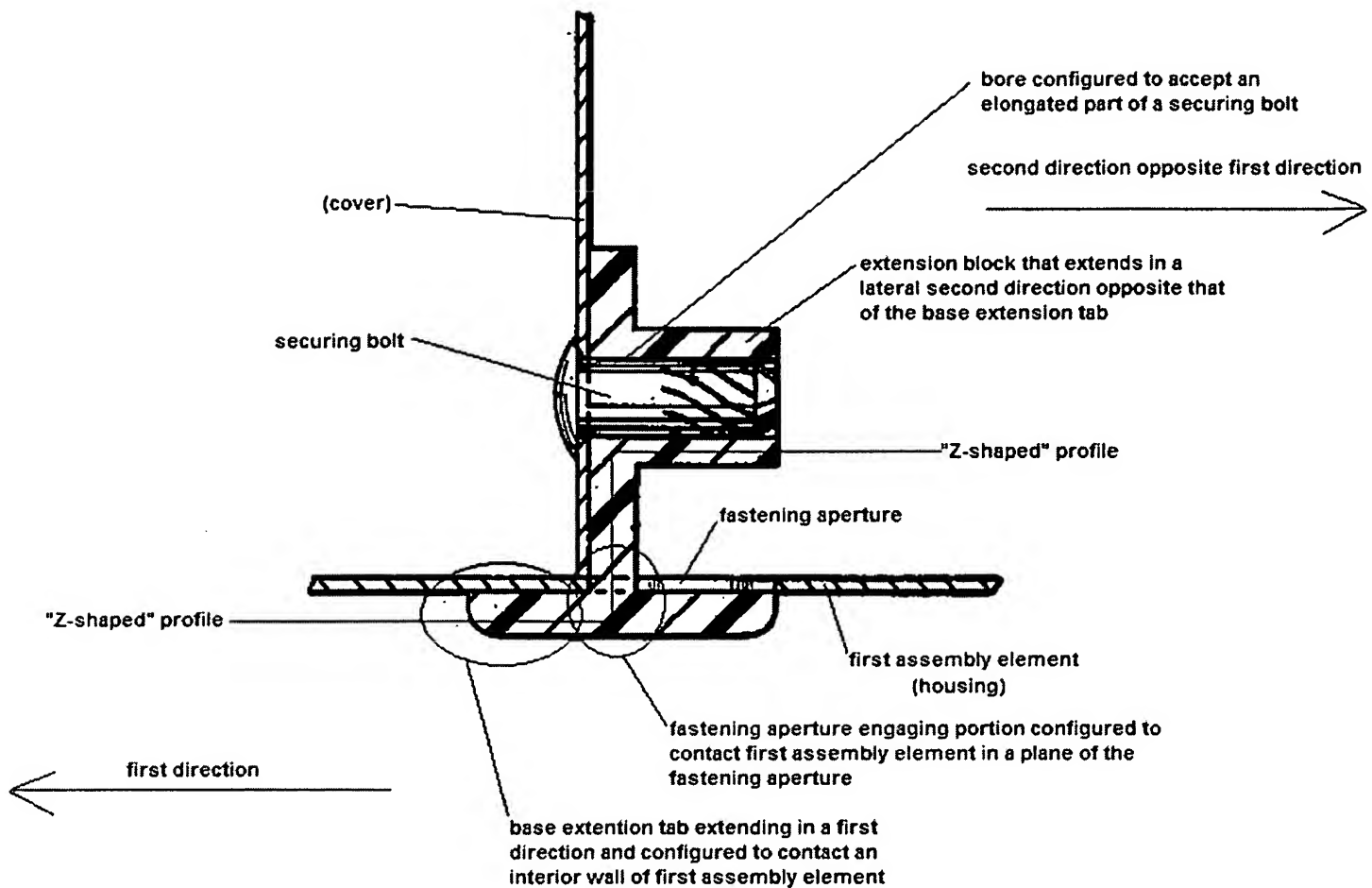
a base extension tab (20') being provided with a surface (15) configured to contact an interior wall of a fastening aperture (27) within said housing,

a fastening aperture engaging portion (18) (e.g., pressure application edge),

an extension block/body (17,23);

wherein the extension block of the Z-type fastener has a bore (24) configured to accept an elongated part of a securing bolt/body (32,33,34,35), and

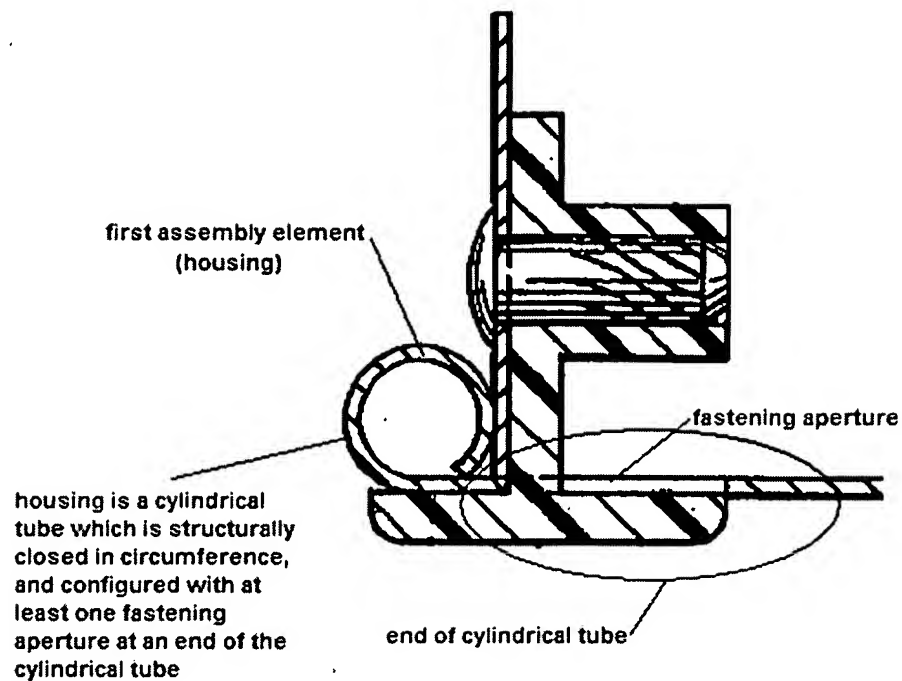
wherein the extension block extends in a lateral direction opposite that of the base extension tab.



Palumbo US-3,970,399

As for claims 13-15, Palumbo suggests that the housing may be a closed cylindrical tube having a fastening aperture at an end thereof. The Z-type fastener maintains a plurality of contact areas with the housing.

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Palumbo US-3,970,399

Conclusion

[11] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

US-5,368,426

US-3,527,280

US-3,106,994

US-3,425,725

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[12] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

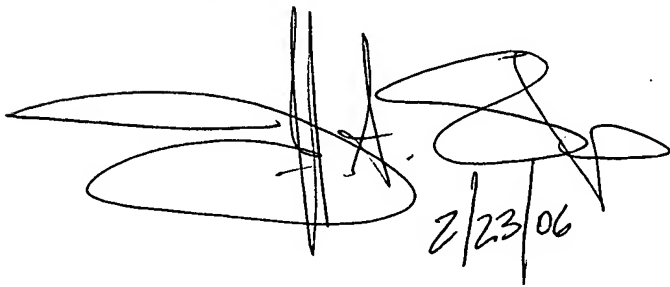

[13] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS

A handwritten signature in dark ink, followed by the date 2/23/06 written vertically.

JJ Swann
Supervisory Patent Examiner
Technology Center 3600